

(0-93-68)

ORDINANCE NUMBER O- 17872 (NEW SERIES)

ADOPTED ON NOV 23 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 5, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISION 5, SECTIONS 105.0101, 105.0102, 105.0103, 105.0104, 105.0105, 105.0106, 105.0107, 105.0108, 105.0109, 105.0110 AND 105.0111; BY AMENDING DIVISION 2 BY REPEALING SECTION 105.0201; BY AMENDING SECTION 105.0202; BY REPEALING SECTION 105.0203; BY AMENDING SECTIONS 105.0204 AND 105.0205; BY REPEALING SECTIONS 105.0206, 105.0206.1 AND 105.0207; BY AMENDING SECTION 105.0208; BY REPEALING SECTIONS 105.0211, 105.0211.1, 105.0212, 105.0213, 105.0214, 105.0215, 105.0216, 105.0217 AND 105.0218, ALL RELATING TO DEVELOPMENT AGREEMENTS.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter X, Article 5, of the San Diego Municipal Code be and the same is hereby amended by repealing sections 105.0101, 105.0102, 105.0103, 105.0104, 105.0105, 105.0106, 105.0107, 105.0108, 105.0109, 105.0110 and 105.0111.

Section 2. That Chapter X, Article 5, Division 2 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 105.0201.

Section 3. That Chapter X, Article 5, Division 2 of the San Diego Municipal Code be and the same is hereby amended by amending Section 105.0202 to read as follows:

**SEC. 105.0202 Coastal Development Permit**

An application for a coastal development permit shall be acted upon in accordance with the provisions set forth in Chapter XI, Article 1, Division 12.

Section 4. That Chapter X, Article 5, Division 2 of the San Diego Municipal Code be and the same is hereby amended by repealing Section 105.0203.

Section 5. That Chapter X, Article 5, Division 2 be and the same is hereby amended by amending Sections 105.0204 and 105.0205 to read as follows:

**SEC. 105.0204 Exemptions**

For the following types of development, no coastal development permit shall be required:

A. Improvements to an existing structure or structures; provided, however, that such improvements do not involve any of the following:

1. through 3. [No changes.]

4. An intensification of use. For purposes of Section 105.0204 "intensification of use" means a change in the use of a lot or premises which, based upon the provisions of the underlying zone, requires more off-street parking than did the immediately preceding legal use of such lot or premises.

B. through E. [No changes.]

**SEC. 105.0205 Application**

An application for a coastal development permit may be made to the Planning Department in accordance with Section 111.0202 and shall contain the following:

A. The application shall be made by the record owner or by any other person(s) who can demonstrate a legal right, interest, or other entitlement to use the property on which the development is to be located.

The application shall include any other information which, in the opinion of the Planning Director, is necessary to adequately review the proposed development:

1. through 3. [No changes.]

B. Prior to the filing of the application, the applicant shall pay to the City a fee/deposit equal to the estimated cost of processing said application. The fee/deposit shall be adjusted periodically by the Planning Director to ensure full cost recovery.

Section 6. That Chapter X, Article 5, Division 2 be and the same is hereby amended by repealing Sections 105.0206, 105.0206.1 and 105.0207.

Section 7. That Chapter X, Article 5, Division 2 be and the same is hereby amended by amending Section 105.0208 to read as follows:

**SEC. 105.0208 Findings**

An application for a coastal development permit may be approved or conditionally approved in accordance

with Section 111.1205 if all of the following findings  
of fact are made:

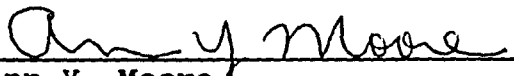
1. through 8. [No changes.]

Section 8. That Chapter X, Article 5, Division 2 be and the  
same is hereby amended by repealing Sections 105.0211,  
105.0211.1, 105.0212, 105.0213, 105.0214, 105.0215, 105.0216,  
105.0217 AND 105.0218.

Section 9. This ordinance shall take effect and be in force  
on January 4, 1993. The provisions of this ordinance shall not  
be applicable within the Coastal Zone until the thirtieth (30th)  
day following the date the California Coastal Commission  
unconditionally certifies this ordinance as a local coastal  
program amendment or January 4, 1993 whichever occurs last.

APPROVED: JOHN W. WITT, City Attorney

By

  
Ann Y. Moore  
Deputy City Attorney

AYM:pev  
10/28/92  
Or.Dept:Plan.  
O-93-68  
Form=o.code

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NOV 23 1992

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

By *Stacy Olive*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on **NOV 09 1992**, and on **NOV 23 1992**

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By *Stacy Olive*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number **0-17872** Adopted **NOV 23 1992**

CERTIFICATE OF PUBLICATION

DEC - 8 11:10:12  
CLERK OF THE CITY

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

DEVELOPMENT AGREEMENTS

0-17872 NS

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

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AN ORDINANCE AMENDING CHAPTER X, ARTICLE 5, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING DIVISION 5, SECTIONS 105.0101, 105.0102, 105.0103, 105.0104, 105.0105, 105.0106, 105.0107, 105.0108, 105.0109, 105.0110 AND 105.0111; BY AMENDING DIVISION 2 BY REPEALING SECTION 105.0201; BY AMENDING SECTION 105.0202; BY REPEALING SECTION 105.0203; BY AMENDING SECTIONS 105.0204 AND 105.0205; BY REPEALING SECTIONS 105.0206, 105.0206.1 AND 105.0207; BY AMENDING SECTION 105.0208; BY REPEALING SECTIONS 105.0211, 105.0211.1, 105.0212, 105.0213, 105.0214, 105.0215, 105.0216, 105.0217 AND 105.0218, ALL RELATING TO DEVELOPMENT AGREEMENTS.  
This ordinance amends the provisions of Chapter X, Article 5, to be consistent with the provisions of Chapter XI. The amendments to Chapter X, Article 5, integrates the procedural requirements that were created by the adoption of Chapter XI and provides the user of Chapter X with the applicable cross references to Chapter XI.  
A complete copy of the ordinance is available for inspection in the office of the City Clerk of the City of San Diego, second floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.  
INTRODUCED ON NOV 08 1992  
Passed and Adopted by the Council of the City of San Diego on NOV 23 1992.  
AUTHENTICATED BY:  
MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA  
(SEAL)  
By Suzanne Oliva, Deputy  
Pub. Dec. 7 259828

ORDINANCE NUMBER O-17872 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

DECEMBER 7

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 7th day of DEC., 1992.

*Corey Donahue*  
\_\_\_\_\_  
(Signature)

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